IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

IN RE:)	Chapter 13
Edgar Contreras,)	
)	Case No. 19-33724
)	
Debtor.)	Judge Jack B. Schmetterer

RESPONSE TO MOTION TO LIFT THE AUTOMATIC STAY

NOW COMES the Debtor, Edgar Contreras, by and through his attorneys Cutler & Associates, Ltd., in for his Response to Motion to Lift the Automatic Stay, states and alleges as follows:

- 1. Creditor, Gunnison Condominium Association ("Association") filed its motion for relief from the automatic stay on January 8, 2020.
- 2. In its motion, the Association alleges that the Debtor is behind in post-petition payments to be made by the Debtor to the Association. The Debtor has cured this default and is current with all post-petition payments to the Association.
- 3. In its motion, the Association further alleges that the Debtor is behind in pre-petition payments to the Association. In addition, the motion sets forth some of the facts of prior cases and alleges that this is grounds for relief from the stay. However, these facts are merely facts, not grounds for relief. The purpose of the Debtor's Chapter 13 is to repay the debts owed to the Association and other creditors. This is the purpose of most Chapter 13 bankruptcies. The issues raised by the Association are more in the realm of objections to confirmation, not grounds for relief from the stay.

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4. The Debtor has fully provided for the Association's claim in his proposed Chapter 13

Plan. Further, in the Debtor's proposed plan, the Debtor has provided language in paragraph 8.1

that grants the Association what equates to a "no-miss order" for payments to the Association.

5. Creditor further fails to allege that the filing of the Debtor's petition was part of a scheme

to delay, hinder, or defraud creditor. It has merely been an attempt by the Debtor to save his

home.

6. Creditor alleges that it did not receive notice of the Debtor's Motion to Extend the

Automatic Stay. The Debtor served notice of the Motion to Extend the Automatic Stay on all

creditors as required by law. No other creditor has alleged that they did not receive notice of the

motion to extend.

WHEREFORE, the Debtor, Edgar Contreras, prays for the following relief:

A. That the Association's Motion to Lift the Automatic Stay be denied; and

B. For such other and further relief as this Court deems equitable and just.

Respectfully Submitted,

Dated: February 19, 2020

By: /s/ David H. Cutler
One of the attorneys for the Debtor

Cutler & Associates, Ltd.

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CERTIFICATE OF SERVICE

I, David H. Cutler, an attorney, hereby certify that on February 19, 2020, I caused a copy of the Response to be served via the court's electronic noticing system for Registrants on those designated to receive such service as provided on the attached Service List and by U.S. Mail to Non-registrants as provided.

/s/ David H. Cutler

SERVICE LIST

Registrants (Via CM/ECF)

- Peter C Bastianen ND-Four@il.cslegal.com
- Grant W Simmons ND-Two@il.cslegal.com
- Patrick S Layng <u>USTPRegion11.ES.ECF@usdoj.gov</u>
- Tom Vaughn ecfchi@gmail.com
- Andrew A Girard agirard@girardlawgroup.com